

## **REMARKS**

This Amendment is submitted in reply to the Final Office Action dated April 12, 2011 and the Advisory Action dated July 12, 2011. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

### **Summary of the Examiner's rejections**

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 112 (second paragraph) as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ginter (US 5,917,912) in view of Inoue (US 2003/0005135) and further in view of Kawell (WO 00/20950).

### **Summary of claim amendments**

Applicant has amended independent claims 1, 10, 20 and 29, and added new independent claim 30. The support for the amendments to independent claims 1, 10, 20 and 29 can be found on page 4, lines 17-18, page 5, lines 4-20, and page 8, line 4 of the originally filed PCT patent application. The support for the new independent claim 30 can be found in the previously presented independent claim 1 except that two "obtaining steps" have been added and the "or deleting" limitations had be removed from the claimed "restricting or blocking or deleting step" and the subsequent claimed communicating and abolishing steps. No new subject matter has been added.

### **Remarks regarding the §112 (second paragraph) rejections**

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 112 (second paragraph) as allegedly being incomplete for omitting essential steps. The alleged omitted steps are: description of how the protected content is encrypted prior to decryption, and description of handshaking process which provides for encryption key associated with recipient device. In response to this rejection, Applicant has amended the independent claims 1, 10 and 29 recite the following two new steps "obtaining at the

user device a first content encryption key” and “obtaining at the user device a key encryption key associated with the recipient device and/or an operator of the recipient device”. The independent claim 20 is directed to the recipient device and as such does not need to recite the aforementioned two new steps. Accordingly, Applicant respectfully requests the removal of this rejection.

Claims 1, 5-11, 15-21, 24 and 29 stand rejected under 35 U.S.C. § 112 (second paragraph) as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that it is unclear how the recipient device is able to generate the received usage rights based on the defined usage rights if the defined usage rights have already been deleted. In response to the rejection, Applicant has removed the claimed “wherein the restricting or blocking or deleting step, the second generating step, the second communicating step, the second applying step, and the abolishing step are executed in sequence one after another” from the independent claims 1, 10, 20 and 29. Accordingly, Applicant respectfully requests the removal of this rejection.

#### **Remarks regarding the §103(a) rejections**

Applicant respectfully submits that the amended independent claim 1 is patentable in view of Ginter, Inoue, Kawell or any combination thereof. The amended independent claim 1 recites the following:

1. A method for control of usage of content, wherein protected content exists being usage restricted by one or more first usage rights specifying one or more usage restrictions and/or one or more usage permissions of the protected content at a user device, the method comprising the steps of:
  - obtaining at the user device a first content encryption key,
  - obtaining the content at the user device from the protected content in accordance with the one or more first usage rights by decrypting the protected content by the first content encryption key in a first secure environment of the user device and by accessing the decrypted content in the first secure environment,
  - defining at least one usage right at the user device, the at least one defined usage right specifying one or more usage restrictions and/or one or more usage permissions of the content at a recipient device and the at least one defined usage right comprising a temporal restriction,

- verifying that the at least one defined usage right is a subset of the one or more first usage rights,
- generating at the user device integrity protection information for the at least one defined usage right,
- encrypting the content with a content encryption key,
- obtaining at the user device a key encryption key associated with the recipient device and/or an operator of the recipient device,
- encrypting the content encryption key with the key encryption key,
- communicating the encrypted content, the at least one defined usage right, the encrypted content encryption key, and the integrity protection information to the recipient device,
- restricting the one or more first usage rights in consequence of the definition and/or the communication of the at least one defined usage right to the recipient device,
- verifying at the recipient device the integrity of the at least one defined usage right based on the integrity protection information,
- decrypting at the recipient device the encrypted content encryption key with a decryption key corresponding to the key encryption key,
- decrypting the encrypted content with the content encryption key in a secure environment of the recipient device,
- applying the at least one defined usage right to the content in the secure environment,
- using the content at the recipient device according to the applied at least one usage right,
- generating by the recipient device at least one received usage right that is a subset of the at least one defined usage right,
- restricting or blocking or deleting the at least one defined usage right at the recipient device before the expiry of the temporal restriction,
- communicating an indication of the restricting or blocking or deleting from the recipient device to the user device, the indication comprising the at least one received usage right,
- applying the at least one received usage right at the user device after the receipt of the indication from the recipient device until the expiry of the temporal restriction, and
- abolishing the restriction of the one or more first usage rights when the temporal restriction expires (emphasis added to highlight the distinctive features of the claimed invention).

In the Final Office Action, the Examiner stated that Ginter disclosed the claimed “restricting the one or more first usage rights in consequence of the definition and/or the communication of the at least one defined usage right to the recipient device.” The Examiner based this conclusion on Ginter’s col. 67, lines 25-29 which states “It is preferable that an extremely secure encryption/decryption technique be used as an aspect of authenticating the identity of electronic appliances 600 that are establishing a communication channel and securing any transferred permission, method, and administrative information”. Applicant respectfully submits that this text has nothing to

do with "restricting the one or more first usage rights" as recited in the aforementioned claimed restricting step.

Furthermore, the Examiner stated that Ginter fails to specifically disclose "communicating an indication of the restricting or blocking or deleting from the recipient device to the user device, the indication comprising the at least one received usage right" (see page 6 of Final Office Action). In an attempt to correct Ginter's deficiency the Examiner stated "[n]onetheless, these features are well known in the art and would have been an obvious modification of the teachings disclosed by Ginter, as taught by Inoue. Inoue discloses a system and method having: communicating an indication of the restricting or blocking or deleting from the recipient device to the user device, the indication comprising the at least one received usage right (0170, lines 15-21)..." (see page 7 of Final Office Action). In particular, the Examiner to reject the claimed communicating step cited the following in Inoue:

[0170] Then, the right management server 2210 sends an input screen for setting a restriction on the terminal operation by the temporary user to the terminal 2. FIG. 29 is a diagram that shows a sample of an input screen 2900 for setting a restriction on the terminal operation by the temporary user. As shown in this figure, a guide message 2901 that "Restrictions can be set on terminal operations by a temporary user" and a selection input box 2902 for the original user to select one from a displayed list of choices of the terminal operation restrictions predetermined by the server are displayed on the input screen 2900. In the list of the choices of the terminal operation restrictions, "Purchase of a right is permitted", "Moving of a right is also permitted" and "Only usage of a content is permitted" and others are displayed. Each of these choices of the restrictions corresponds to an ID of the processing for the terminal operation restriction by the temporary user. When the original user "Saki Edomura" selects "Only usage of a content is permitted" and pushes the OK button 906, the ID for the corresponding processing is sent from the terminal 2 to the right management server 2210.

Inoue's paragraph [0170] teaches that an ID of the processing for the terminal operation restriction is sent from the terminal 2 to the right management server 2210. In contrast, the amended independent claim 1 recites where an indication comprising the at least one received usage right is communicated from the recipient device to the user device. Hence, there are at least two substantial differences between Inoue and the

amended independent claim 1. First, the claimed invention recites the communicating of the “usage right” while Inou recites the communicating of an ID. Second, the claimed invention recites that the “usage right” is communicated to the “user device” while Inoue recites where the “ID” is communicated to the “right management server”. As can be appreciated, the “user device” and the “right management server” are manifestly different, especially since the “right management server” relates to a central instance while the “user device” relates to a terminal. For example, the “right management server” cannot be interpreted as the claimed “user device” since the “right management server” does not perform any of the functions that are performed by the claimed “user device” namely the first nine claimed steps and the last three claimed steps. In other words, Inoue does not refer to terminal-terminal rights communication.

Moreover in the Final Office Action, the Examiner stated that Ginter and Inoue fail to specifically disclose “applying the at least one received usage right at the user device after the receipt of the indication from the recipient device until the expiry of the temporal restriction...” (see page 8 of Final Office Action). In an attempt to correct Ginter and Inoue’s deficiency the Examiner stated “[n]onetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Ginter in view of Inoue, as taught by Kawell. Kawell discloses a system and method for distributing access to a data item, the system and method having: applying the at least one received usage right at the user device after the receipt of the indication from the recipient device until the expiry of the temporal restriction (page 3, lines 23-24)...” (see page 9 of Final Office Action). In particular, the Examiner to reject the claimed applying step cited the following in Kawell:

In general, in another aspect, the invention features a method for use in distributing access to a data item. The method includes providing a first computer with permission to gain access to the data item; providing the permission by data connections to a second computer substantially simultaneously with removing the permission from the first computer; and providing the permission by data connection to a third computer substantially simultaneously with removing the permission from the second computer.

(see page 3, lines 16-24)

Kawell discloses that the same permission is sent from one computer to another such that when sending the permission to the receiving computer then the permission is removed ("substantially simultaneously") from the sending computer. In contrast, the claimed invention recites: (1) the "first usage right(s)" which define the usage rights at the user device; (2) the "defined usage right(s)" which are defined at the user device for usage at a recipient device, the defined usage rights being a subset of the "first usage right(s)"; and (3) the "received usage right(s)" which are defined at the recipient device for usage at a user device, the received usage rights being a subset of the "defined usage right(s)". Thus, in the claimed invention it is evident that not the same permission is passed between the devices but subsets of previous permissions which are defined at the respective sending devices. Furthermore, the claimed invention recites where the user device defines the "defined usage right(s)" and the recipient device generates the "received usage right(s)" while Kawell's computers are provided the "permissions" and do not define or generate the "permissions". In view of at least the foregoing, the Applicant respectfully submits that amended independent claim 1 and corresponding dependent claims 5-9 are patentable in view of Ginter, Inoue, Kawell or any combination thereof.

Applicant respectfully submits that the amended independent claims 10, 20 and 29 are also patentable in view of Ginter, Inoue, Kawell or any combination thereof. The independent claims 10, 20 and 29 recite the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 1. As such, the aforementioned remarks regarding the patentability of the amended independent claim 1 apply as well to the amended independent claims 10, 20 and 29. Accordingly, Applicant respectfully requests the allowance of the independent claims 10, 20 and 29 and their corresponding dependent claims 11, 15-19, 21 and 24.

#### **Remarks regarding the new independent claim 30**

Applicant respectfully submits that the new independent claim 30 is patentable in view of Ginter, Inoue, Kawell or any combination thereof. The new independent claim

30 is as follows:

30. A method for control of usage of content, wherein protected content exists being usage restricted by one or more first usage rights specifying one or more usage restrictions and/or one or more usage permissions of the protected content at a user device, the method comprising the steps of

- obtaining at the user device a first content encryption key,
- obtaining the content at the user device from the protected content in accordance with the one or more first usage rights by decrypting the protected content by the first content encryption key in a first secure environment of the user device and by accessing the decrypted content in the first secure environment,
- defining at least one usage right at the user device, the at least one defined usage right specifying one or more usage restrictions and/or one or more usage permissions of the content at a recipient device and the at least one defined usage right comprising a temporal restriction,
- verifying that the at least one defined usage right is a subset of the one or more first usage rights,
- generating at the user device integrity protection information for the at least one defined usage right,
- encrypting the content with a content encryption key,
- obtaining at the user device a key encryption key associated with the recipient device,
- encrypting the content encryption key with the key encryption key associated with the recipient device and/or an operator of the recipient device,
- communicating the encrypted content, the at least one defined usage right, the encrypted content encryption key, and the integrity protection information to the recipient device,
- restricting the one or more first usage rights in consequence of the definition and/or the communication of the at least one defined usage right to the recipient device,
- verifying at the recipient device the integrity of the at least one defined usage right based on the integrity protection information,
- decrypting at the recipient device the encrypted content encryption key with a decryption key corresponding to the key encryption key,
- decrypting the encrypted content with the content encryption key in a secure environment of the recipient device,
- applying the at least one defined usage right to the content in the secure environment,
- using the content at the recipient device according to the applied at least one usage right,
- restricting or blocking the at least one defined usage right at the recipient device before the expiry of the temporal restriction,
- generating by the recipient device at least one received usage right that is a subset of the at least one defined usage right,
- communicating an indication of the restricting or blocking from the recipient device to the user device, the indication comprising the at least one received usage right,

- applying the at least one received usage right at the user device after the receipt of the indication from the recipient device until the expiry of the temporal restriction, and
- abolishing the restriction of the one or more first usage rights when the temporal restriction expires, wherein the restricting or blocking step, the second generating step, the second communicating step, the second applying step, and the abolishing step are executed in sequence one after another.

The new independent claim 30 contains two new obtaining steps to overcome the Examiner's essential matter rejection and no longer recites the "or deleting" in the claimed "restricting or blocking or deleting step" and the subsequent claimed communicating step and the claimed abolishing step to overcome the Examiner's "impossible" rejection (see pages 2-3 in the Final Office Action). Notwithstanding these differences, the new independent claim 30 recites similar limitations as the previously presented pending independent claim 1 such that the aforementioned remarks regarding the patentability of the pending independent claim 1 that were made in the Amendment dated January 28, 2011 apply as well to the new independent claim 23. Furthermore, the cited prior art fails to disclose where the recipient device "restricts or blocks" the at least one defined usage right and communicates an indication of this to the user device which then applies the received usage right until the expiry of the temporal restriction. Thus, Applicant respectfully requests the allowance of the new independent claim 30.

### **CONCLUSION**

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all objections and rejections and issue a Notice of Allowance for pending claims 1, 5-11, 15-21, 24 and 29-30.

The Commissioner is hereby authorized to charge any fees for this paper, the co-filed RCE, and the 2-month extension of time petition to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



/William J. Tucker/

By William J. Tucker  
Registration No. 41,356

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Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(214) 324-7280  
william.tucker@ericsson.com